IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 686/2007
(Kallu Khan and Ors. V/s State of Rajasthan & Anr.)

Date of Order : 03/07/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Ravindra Acharya, for the petitioner.
Mr. Ashok Upadhyay, P.P.
Mr. M.A.Siddiqui for the respondent No.2.

BY THE COURT:-

Learned counsel for the respondent No.2 submits that the order impugned is appealable under Section 29 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act of 2005' hereinafter) which provides that there shall lie an appeal to the Court of Session within thirty days from the date on which the order made by the Magistrate is served on the aggrieved person or the respondent, as the case may be, whichever is later.

Faced with this situation, counsel for the petitioners submits that the petitioner may be permitted to withdraw the instant criminal misc. petition with liberty to file an appeal before the learned Sessions Judge.

The criminal misc. petition is therefore, dismissed as

withdrawn with the liberty sought for. However, if the petitioners file an appeal before learned Sessions Judge within fifteen days from today, the period of limitation as provided under Section 29 of the Act of 2005 shall not come in the way of the petitioners.

(H.R.PANWAR),J.

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